

HOUSE EDUCATION COMMITTEE

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 2116*

House Bill No. 2861

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting the entire language in the printed bill after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Sections 49-6-4001 through 49-6-4006, are hereby repealed in their entirety and the following Sections 2 through 8 of this bill are substituted therefor.

SECTION 2. This part of Chapter 6, Title 49, may be cited as the Student and Employee Safe Environment Act of 1996.

SECTION 3. FORMULATION AND ADMINISTRATION OF BEHAVIOR AND DISCIPLINE CODES. - (a) The governing body of each local education agency shall be responsible for formulating a code of acceptable behavior and discipline to apply to the students in each school operated by such local education agency.

(b) The superintendent or other administrative head of the local education agency shall be responsible for overall implementation and supervision, and each school principal shall be responsible for administration and implementation within that school.

(c) The governing body of each local education agency shall review and, if necessary, redraft existing behavior and discipline codes prior to January 1, 1997. In formulating the behavior and discipline codes, the governing body of each local education agency shall seek recommendations from parents, employees, law enforcement personnel, and youth-related agencies in the community.

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SECTION 4. CODE CONTENTS. - Each code shall contain the type of behavior expected from each student, the consequences of failure to obey such standards, and the importance of the standards to the maintenance of a safe learning environment where orderly learning is possible and encouraged. Each code shall address the topics of language used by students, respect for all school employees, fighting, threats, weapons on school property or at school functions, damage to the property or person of others, misuse or destruction of school property, drug or alcohol abuse, the sale or distribution of drugs or alcohol, student conduct on school property, conduct in classes and such other subjects as the local governing body shall choose to include.

SECTION 5. UNIFORM AND FAIR APPLICATION OF CODES. - The principal of each school shall apply the code uniformly and fairly to each student at the school without partiality or discrimination.

SECTION 6. DIFFERENT CODES FOR DIFFERENT CLASSES OF SCHOOLS. - The governing body of the local education agency may choose to adopt different but consistent codes of behavior and discipline to apply to different classes of schools, such as elementary, middle, junior high, and senior high, under their jurisdiction. All such codes shall be uniform to the extent of maximum consideration for the safety and well-being of students and employees.

SECTION 7. CIVIL LIABILITY. - In addition to criminal penalties provided by law, there is created a civil cause of action for an intentional assault, personal injury or injury to the personal property of students or school employees when such assault occurs

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during school hours, on school property or during school functions, including travel to and from school on school buses. A person who commits such an assault or injury shall be liable to the victim for all damages resulting therefrom, including compensatory and punitive damages. Upon prevailing, the victim shall be entitled to treble damages and reasonable attorney fees and costs.

SECTION 8. CODE DISTRIBUTION AND POSTING. - When a code of behavior and discipline has been adopted by the governing body of a local education agency, a copy of the code shall be posted at each school and guidance counselors shall be supplied copies for discussion with students. The code shall be referenced in all school handbooks. All teachers, administrative staff and parents shall be provided copies of the code.

SECTION 9. Tennessee Code Annotated, Section 49-2-203, is amended by deleting subdivision (a)(8) in its entirety and substituting in lieu thereof the following:

(a)(8) Suspend, dismiss or alternatively place pupils when the progress or efficiency of the school make it necessary or when disruptive, threatening or violent students endanger the safety of other students or school system employees;

SECTION 10. Tennessee Code Annotated, Section 49-2-303, is amended by inserting the following new subdivisions to be designated as (b)(4) and (b)(5) and by renumbering existing subdivisions (b)(4) through (b)(6) accordingly:

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(b)(4) Administer and implement the school behavior and discipline code and require guest passes for all persons other than enrolled students and employees of the school.

(b)(5) Principals are encouraged to improve school security by limiting school access during school hours to monitored entrances.

SECTION 11. In addition to the other provisions of this act, a student committing battery upon any teacher, principal, administrator, or any other employee of a local education agency or unlawfully possessing any narcotic or stimulant drug shall be expelled for a period of not less than one (1) calendar year, except that the director or superintendent may modify this expulsion on a case-by-case basis. For purposes of this section, "expelled" means removed from the pupil's regular school program or removed from school attendance altogether, as determined by the school official. Nothing in this section shall be construed to prohibit the assignment of such students to alternative school.

SECTION 12. Tennessee Code Annotated, Section 49-6-3402, is amended by inserting at the end of subdivision (f) the following:

The state board of education in its rules and regulations shall require that all alternative school classrooms have working two-way communication systems making it possible for teachers or other employees to notify a principal, supervisor or other administrator that there is an emergency. Teachers and

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other employees shall be notified of emergency procedures prior to the beginning of classes for any school year.

SECTION 13. If any provision of this act or the application thereof to any person or circumstance held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

SECTION 14. This act shall take effect upon becoming a law, the public welfare requiring it.